

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-27005
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 9, 2010
Van Buren County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a three-way telephone hearing was held on March 9, 2010. Claimant did not appear. Appearing on claimant's behalf was [REDACTED].

ISSUE

Did the department correctly deny claimant's Medicaid (MA) and retroactive MA application in March, 2009?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant applied for MA through her representatives, [REDACTED], on December 29, 2008.

2. On January 2, 2009 department mailed out a Verification Checklist, DHS-3503, to the claimant. This Checklist has written on the bottom “ [REDACTED] ” with a checkmark.

(Department’s Exhibit 1).

3. Department’s caseworker also completed a Documentation Record dated January 2, 2008 (apparently meant to be 2009) stating she spoke to a [REDACTED] from [REDACTED] on this date. Caseworker quoted [REDACTED] as saying she did not know why both disability and family MA is being requested, and believes it should be family. (Department’s Exhibit 2).

4. Department denied claimant’s MA application on March 11, 2009, with a notation on the computer screen printout that “nothing returned”. (Department’s Exhibit 3). Department however never sent a denial notice either to the claimant or to [REDACTED], for an unknown reason.

5. On April 6, 2009 [REDACTED] faxed the department a letter saying they have not received any correspondence from the department regarding claimant’s MA application, including a request for further verifications. [REDACTED] also stated they are not able to locate the application pending on department’s computer system.

6. [REDACTED] requested a hearing on May 4, 2009 stating they never received requested for verification even though they were claimant’s authorized representative, or any other correspondence on the case.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10,

et seq., and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Departmental policy requires that the department send a Verification Checklist, DHS-3503, giving the client 10 calendar days to return needed verifications. If the client cannot provide the verification despite a reasonable effort, department is to extend the time limit up to three times, for MA eligibility purposes. BAM 130, p. Department provided the DHS-3503 mailed to the claimant on January 2, 2009 and claims that such form was mailed to [REDACTED], claimant's authorized representative, on the same date. [REDACTED] claim no such form was received by them.

Departmental policy further states that if the time period given has elapsed, department is to deny the application with an adequate notice. Department's representative testified that no such notice was mailed either to the claimant or to [REDACTED], for an unknown reason.

This Administrative Law Judge is being asked to determine that a Verification Checklist was indeed mailed to claimant's authorized representative, and not to consider that the department failed to send the application denial notice. However, the fact that the denial notice was never sent by the department puts in doubt department's firm claim that the Verification Checklist was sent, as it is apparent that errors will occur. For this reason, department must give the claimant and/or her representative another opportunity to provide requested verification(s).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly denied claimant's MA application in March, 2009.

Accordingly, department's action is REVERSED. Department shall:

1. Re-process claimant's disputed December 29, 2008 MA application.

2. Mail and/or fax DHS-3503, Verification Checklist, to claimant's representative, [REDACTED], giving 10 calendar days to provide needed verifications.
3. Extend the verification return deadline up to three times, if [REDACTED] requests such extension in a timely manner.
4. Determine claimant's MA eligibility if needed verifications are provided.
5. Notify the claimant and [REDACTED] of MA determination.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 7, 2010

Date Mailed: April 8, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

cc:

[REDACTED]